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U.S. DISTRICT COURT E.D.N.Y.

★ SEP 30 2009 ★

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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SIMEON FERGUSON, by and through his
next friend, KARLENE GRANT

BROOKLYN OFFICE *rl*

Plaintiff,

v.

08-cv-639 (SLT) (VVP)

INDYMAC BANK, F.S.B. and GLOBAL
FINANCIAL, INC.,

Defendants.

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**GRANTING
ORDER (I) GRATING PLAINTIFF'S MOTION TO APPROVE THE
SETTLEMENT AGREEMENT BETWEEN PLAINTIFF AND
DEFENDANT FEDERAL DEPOSIT INSURANCE CORPORATION; (II)
APPROVING THE SETTLEMENT AGREEMENT ON TERMS SET
FORTH IN SUCH AGREEMENT AND EXHIBITS THERETO; AND
APPOINTING PLAINTIFF'S NEXT FRIEND KARLENE GRANT AS A
GUARDIAN AD LITEM FOR PLAINTIFF IN THIS PROCEEDING**

Upon (i) the motion ("Motion") by plaintiff Simeon Ferguson ("Plaintiff"), by and through his next friend Karlene Grant, for an Order Approving the Settlement Agreement between Plaintiff and Defendant Federal Deposit Insurance Corporation as receiver of defendant IndyMac Bank, FSB ("FDIC"), dated September 16, 2009; (ii) upon the joint request by Plaintiff and the FDIC to appear in person at the pre-trial conference before this Court on September 18, 2009; (iii) upon a consent to jurisdiction of this Court to hear and determine the Motion, signed by all parties in this action; and (iv) upon the representations made to the Court by Karlene Grant and counsel for all parties at the hearing; and after due deliberation the Court having determined that sufficient reasons and cause to grant the Motion and approve the Settlement Agreement exist therefor; it is hereby

ORDERED that the Plaintiff's Motion is hereby granted in its entirety; and it is further

ORDERED that the Settlement Agreement between Plaintiff and the FDIC on the terms set forth therein and the exhibits annexed thereto, including the Modification Agreement, is hereby approved; and it is further

ORDERED that Plaintiff's next friend Karlene Grant is hereby appointed as a guardian *ad litem* for Plaintiff in this proceeding.

Date: September 30, 2009
Brooklyn, New York

s/ VVP

The Honorable Viktor V. Pohorelsky
United States Magistrate Judge